UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
v.)	Case No. 4:08CR356 HEA
MICHAEL CAPELTON,)	
Defendant,)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation, of Magistrate Judge David D. Noce that Defendant's Motion to Suppress Evidence, [Doc. No.28], be denied. Defendant has not filed any objections to the Report and Recommendation within the prescribed time period.

After careful consideration, the Court will adopt and sustain the sound reasoning of Judge Noce as set forth in his August 28, 2008 Report and Recommendation.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Suppress Evidence, [Doc. No. 28] is **DENIED**.

Dated this 25th day of September, 2008.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE

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